



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,558	12/21/2001	Hwan Kim	2950-0201P	3606

2292 7590 01/10/2006

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

FLETCHER, MARLON T

ART UNIT	PAPER NUMBER
----------	--------------

2837

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/024,558

Applicant(s)

KIM, HWAN

Examiner

Marlon T. Fletcher

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-7,9,10,12 and 17-27 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,2,4-7,9,10,12 and 17-27 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Objections

1. Claim 5 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 5 depends on claim 1 and does not add any subject matter different from the parent claim.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim is contradicting and unclear. Claim 6 depends on claim 1. Claim 1 recites "displaying the generated mark on includes at least one file having the pre-specified attribute." Claim 6 recites "not including any file of said pre-specified attribute."

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2837

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, 4-6, 9, 10, 12, and 17-21, and 23-27, are rejected under 35

U.S.C. 102(e) as being anticipated by Shin et al. (2002/0048105).

As recited in claims 1, 17, and 23, Shin et al. discloses a method of displaying a directory structure of a recording medium, comprising the steps of examining a directory structure and attributes of data files recorded on the recording medium (Figure 5; page 1, paragraphs [0005] and [0007]); and generating a mark for visually differentiating directories including at least one file of a pre-specified attribute, based on the examined attribute information (page 1, [0013], [0014]; page 2, [0025] – [0027]). The directory can be viewed to see whether or not certain pre-specified attributes are present, wherein attributes can be assigned to a specific song or songs, or attributes can be genre or etc (page 2, [0025] – [0027]).

As recited in claims 2, 18, 25-27, Shin et al. discloses the method, wherein said pre-specified attribute is MP3 music (page 2, [0024]) wherein the MP3 files can be classified in the same manner as seen in figure 1.

As recited in claim 4, Shin et al. discloses the method, wherein a display screen according to said displaying step includes the uppermost directory information for said each file as seen in figure 1.

Shin et al. (claims 1, 17, and 23) disclose a method of displaying a directory, wherein a display of the generated mark (page 25, [0025] – [0027] in association with the examined directory structure information is provided as seen in figures 1 and 5.

As recited in claims 4 and 19, Shin et al. disclose the method, wherein a display screen according to said displaying step includes the uppermost directory information for said each file as seen in figure 1.

As recited in claims 5, 6, 20, and 21, Shin et al. disclose the method, wherein said mark for visually differentiating a directory is displayed in connection with the name of a directory, including at least one file of said pre-specified attribute or not including any file attribute (page 2, [0025] – [0027]).

As recited in claim 9, Shin et al. disclose a method of displaying directory structure of a recording medium, comprising the steps of: examining a directory structure and attributes of data files recorded in a recording medium and selecting one or more directories including at least one file of a pre-specified attribute based on the examined attribute information, and displaying the selected directories with their respective hierarchical structures (figure 1 and 5) (page 2, [0025] – [0027]). Figure 5 provides all the information needed for displaying a directory, wherein inherently a non-selected directory can be excluded from being displayed, wherein if not selected, it is not displayed.

As recited in claims 10 and 24, Shin et al. discloses the method, wherein said selecting and displaying step further displays filenames of the pre-specified attribute files under the selected directories (page 2, [0025] – [0027]).

As recited in claim 12, Shin et al. disclose the method, wherein said pre-specified attribute is MP3 music (page 2, [0024]).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7 and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Shin et al. in view of Moriyama et al. (6,067,282).

Shin et al. are discussed above. Shin et al. do not provide a mark on a file, wherein the mark is a number.

However, Moriyama et al. provide a method, wherein a mark for visually differentiating a directory, is information on the number of files included in a directory as seen in figures 11 and 15.

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the teachings of Moriyama et al. with the apparatus Shin et al., because Moriyama provides a numerical representation related to a file in the directory for providing the user with more information for locating a file.

Response to Arguments

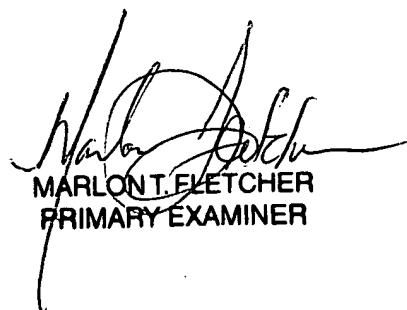
8. Applicant's arguments with respect to claims 1, 2, 4-7, 9, 10, 12, and 17-27, have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marlon T. Fletcher whose telephone number is 571-272-2063. The examiner can normally be reached on M-w, F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on 571-272-2107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MTF
January 8, 2006


MARLON T. FLETCHER
PRIMARY EXAMINER